

Ohio, Laws, statutes, etc.

# OHIO MILITARY CODE

Being All  
THE LAWS OF OHIO  
GOVERNING THE

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## Ohio National Guard

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AND ALL LAWS PERTAINING TO  
*SOLDIERS and WAR*  
*VETERANS*

— to —  
January 1, 1924

*Adjutant General's Department*  
COLUMBUS, OHIO



COLUMBUS, OHIO:  
THE F. J. HEER PRINTING CO.  
1924

Bound at the State Bindery

UB 504

03 A3

1924

STATE OF OHIO  
ADJUTANT GENERAL'S DEPARTMENT

COLUMBUS — APRIL 16, 1924.

The Ohio Military Code is published for the information  
and guidance of all concerned.

BY COMMAND OF GOVERNOR DONAHEY:

FRANK D. HENDERSON,  
*The Adjutant General.*

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## EXECUTIVE

Sec. 79. **Staff of the governor.**—The staff of the governor shall consist of an adjutant general of the grade of brigadier general, upon whom shall devolve the duties of quartermaster general, an assistant adjutant general of the grade prescribed by the war department for the administrative staff of the state of Ohio, and four aides-de-camp, all of whom shall be appointed by the governor and shall hold office during his pleasure or during the term for which he was elected. (107 v. 382; 106 v. 470; R. S. Sec. 98.)

Sec. 79-1. **Bond of adjutant general and assistant.**—The adjutant general shall give bond in the sum of thirty thousand dollars to the state of Ohio conditioned upon the faithful performance of his duties; the assistant adjutant general shall give like bond in the sum of ten thousand dollars and the assistant quartermaster general shall give a like bond in the sum of twenty thousand dollars. If surety bond be given the premiums therefor shall be paid out of the Maintenance—Ohio national guard fund. Said bonds shall be filed in the office of the auditor of state. All other bonds given by the various officers of the Ohio national guard shall be filed and recorded in the office of the adjutant general. (108 v. Pt. 1, 547, Sec. 4.)

Sec. 80. **Aides-de-camp detailed from national guard.**—The aides-de-camp shall be detailed from the commissioned officers of the national guard in active service from those of a grade below that of colonel. Such detail shall not add to the grade of the officer so appointed. The officers detailed as aides-de-camp shall not be relieved from duty with their respective organizations, but shall perform all duties pertaining thereto, except when on duty as aides-de-camp under orders of the governor. (107 v. 382; R. S. Sec. 98.)

Sec. 81. Repealed. 107 v. 399. (R. S. Sec. 103.)

Sec. 82. **Duties of adjutant general.**—The adjutant general shall be in control of the military department of the state, and perform such duties as pertain to the adjutant general and

the quartermaster general, under the regulations and customs of the United States army. He shall superintend the preparation of all returns and reports required by the United States from the state, and perform all other duties prescribed by law. He shall have an office in the state house, in which he shall keep a register of all officers of the national guard of the state, and preserve all records and papers required by law to be kept and filed therein. (107 v. 382; R. S. Sec. 98.)

**Sec. 82-1. Inventory of state military property kept on file; additions and deductions.**—The adjutant general shall cause an inventory to be made of all unexpendable military property of each organization of the national guard which is purchased from state funds or otherwise belongs to the state and a separate inventory of the property received from the federal government. Said inventories shall be kept on file in the office of the adjutant general and shall be open to public inspection during regular office hours. Additions to or deductions from said inventories shall be made from time to time so that each of said inventories shall at all times set forth a correct list of all property owned by or in possession of each organization of the national guard. Whenever deductions are made from such inventories, the time and manner of the disposition of the property shall be entered. (108 v. Pt. 1, 547, Sec. 5.)

**Sec. 82-2. Notice when officer unable to account for money or property; suit to recover.**—Whenever it is ascertained by the adjutant general or the auditor of state that any officer of the national guard is unable to properly account for the property or moneys in his possession he shall give immediate notice thereof to the attorney general for action against such officers and his bondsmen, and the attorney general is hereby authorized, and required to bring such action. (108 v. Pt. 1, 548, Sec. 8.)

**Sec. 83. Duties of assistant adjutant general.**—The assistant adjutant general shall serve in the office of the adjutant general, and aid him by performing such duties as the adjutant general may assign him. In the absence or disability of the adjutant general, he shall perform the duties of the adjutant general. (107 v. 382; R. S. Sec. 98.)



Sec. 84. **Assistant quartermaster general.**—The adjutant general shall have an assistant quartermaster general of the grade prescribed by the war department for the administrative staff of the state of Ohio. He shall be appointed and commissioned by the governor and serve in the office of the adjutant general, and shall be entitled to all the rights, privileges and allowances of other officers of corresponding rank and grade in the Ohio national guard. (107 v. 382; 106 v. 470; R. S. Sec. 99.)

Sec. 85. **Annual report to governor.**—The adjutant general shall make an annual report to the governor of the transactions of his department, including a detailed statement of all expenditures for military purposes. (107 v. 382; 106 v. 508; R. S. Sec. 102.)

Sec. 146 to Sec. 154. Repealed. 109 v. 132.

Sec. 2249-1. **Pay of adjutant general, assistant and quartermaster.**—The adjutant general, the assistant adjutant general, and the assistant quartermaster general shall receive the pay and allowance of their rank according to those at the time prescribed for the armies of the United States. (109 v. 131.)

Sec. 154-27. **Department of claims transferred.**—The department of soldiers' claims is hereby transferred to and placed under the supervision of the adjutant general. (109 v. 112.)

## MILITIA

Sec. 5176. **State militia, of whom it shall consist; classification.**—The militia of the state of Ohio shall consist of all able bodied male citizens of the state, and all other able bodied males who have or shall have declared their intention to become citizens of the state of Ohio, who shall be more than eighteen years of age, and, except as hereinafter provided, not more than forty-five years of age. The militia shall be divided into three classes, the national guard, the naval militia and the unorganized militia. (107 v. 383; R. S. Sec. 3023.)

Sec. 5177. **Who exempt from military service.**—The officers, judicial and executive of the departments of the state of Ohio and of the United States, without regard to age, shall be

exempt from duty in the Ohio militia, and all persons who because of religious belief shall claim exemption from military service, when the conscientious holding of such belief by such person shall be established under such regulations as the governor shall prescribe, shall be exempt from military service in a combatant capacity; but no person so exempted shall be exempt from military service in any capacity that the governor shall declare to be non-combatant. (107 v. 383.)

### THE NATIONAL GUARD

Sec. 5178. **National guard of whom it shall consist.**—The national guard shall consist of the regularly commissioned and enlisted militia between the ages of eighteen and forty-five years, and of commissioned officers between the ages of twenty-one and sixty-four years. (107 v. 383.)

Sec. 5179. **National guard of Ohio, of what it shall consist.**—The national guard of Ohio shall consist of such companies, troops, batteries, battalions, squadrons, regiments, brigades, divisions, medical units, and the administrative staff as they now exist or as the governor may from time to time authorize to be formed, all of which to be in accordance with the laws governing the regular army, and with the regulations issued by the secretary of war. (110 v. 447.)

Sec. 5180. **Officers appointed by governor; examination.**—All officers of the Ohio national guard shall be appointed by the governor upon the recommendation of the commanding officers of the organization to which such officers are to be assigned for duty. Before being commissioned all officers shall be examined with respect to their physical and mental qualifications, according to the rules which are now in effect or may hereafter be prescribed. (107 v. 384.)

Sec. 5180-1. **Qualifications of staff officers; term of service.**—That hereafter no appointments shall be made of any staff officers (including pay, inspection, subsistence and medical departments) unless such appointees shall have had previous military experience, and they shall hold their appointments until they shall have reached the age of sixty-four (64) years, unless relieved prior to that time by reason of resignation, disability



or for cause to be determined by a court-martial legally convened for that purpose. Vacancies among such officers shall hereafter be filled by appointment from the officers of the national guard of this state. (108 v. Pt. 1, 546, Sec. 1.)

**Sec. 5180-2. Rules and regulations governing appointments.**—The governor of this state is authorized to issue such regulations governing the appointments of officers in the national guard of this state and such other matters pertaining to the national guard as may be necessary in order to conform to the requirements made by congress for participation in federal appropriations for the national guard. (108 v. Pt. 1, 546, Sec. 2.)

**Sec. 5181. Commissioned officers shall take oath.**—Commissioned officers of the Ohio national guard shall take and subscribe to the following oath of office: "I, ....., do solemnly swear that I will support and defend the constitution of the United States and the constitution of the state of Ohio, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the president of the United States and of the governor of the state of Ohio; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of..... in the National Guard of the United States and of the state of Ohio, upon which I am about to enter, so help me God." Every officer before being commissioned as such shall take oath within ten days after his appointment, and unless he does so he shall be deemed to have declined his office and the appointment shall be vacated. (110 v. 444.)

**Sec. 5182. Commissioned officers to be selected from certain classes.**—Persons hereafter commissioned as officers of the National Guard shall not be recognized as such unless they shall have been selected from the following classes, and shall have taken and subscribed to the oath of office prescribed in the preceding section: officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers of the Army, Navy, or Marine Corps; enlisted men and former enlisted men of the Army, Navy, or Marine Corps who have received an honorable discharge therefrom; graduates of

the United States Military and Naval Academies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the regular army who certified their fitness for appointment as commissioned officers; and for the technical branches or staff corps and departments, such other civilians as may be specially qualified for duty therein. (110 v. 444.)

Sec. 5183. Repealed April 6, 1923. (110 v. 447.)

Sec. 5184. **Non-commissioned officers appointed.**—All non-commissioned officers shall be appointed as prescribed by army regulations. (107 v. 385.)

Sec. 5185. **Period of enlistment.**—Hereafter original enlistments in the National Guard of Ohio and all subsequent enlistments shall be for such period or periods as may be prescribed or authorized by act of the Congress of the United States. (110 v. 445.)

Sec. 5186. **Contract of enlistment and oath.**—All men enlisting in the National Guard of Ohio shall sign an enlistment contract and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this.....day of....., 19...., as a soldier in the National Guard of the United States and of the state of Ohio, for the period of.....year., under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the state of Ohio, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the president of the United States and of the governor of the state of Ohio, and of the officers appointed over me according to law and the rules and articles of war." (110 v. 445.)

Sec. 5186-1. **Dual oath, who authorized to administer.**—All officers appointed and commissioned in the Ohio National Guard according to law, whether extended Federal recognition or not, are authorized to administer the dual oath of office to officers and the dual oath of enlistment to enlisted men as prescribed by sections 5181 and 5186 of the General Code. (108 v. Pt. 2, 1284.)

Sec. 5187. **Honorable discharge of officer.**—An officer may be honorably discharged by the commander-in-chief upon tender of his resignation, in conformity with the requirements of the war department. (107 v. 385.)

Sec. 5188. **Who eligible to be placed upon retired list.**—Any commissioned officer who has served as a member of the national guard for a period of ten years, five of which have been as a commissioned officer, may at his own request, and shall upon his attaining the age of sixty-four years, be placed upon the retired list, which shall be kept in the office of the adjutant general. Officers so retired shall receive no compensation for their services except as hereinafter provided, but shall be permitted on all occasions of ceremony to wear the uniform of the grade upon which retired. The commander-in-chief may detail officers so retired upon duty other than in the command of troops, and when so detailed, they shall receive like pay and allowances as officers on the active list detailed or employed under like conditions. (107 v. 385.)

Sec. 5188-1. **Governor may order military census of Ohio.**—That whenever in the judgment of the governor of the state of Ohio military census of the state should be taken, he shall order and direct the adjutant general to proceed to take said census. (107 v. 591, Sec. 1.)

Sec. 5188-2. **Blanks for census.** Upon receipt of said order from the governor, the adjutant general shall prepare blanks to be filled in by every male citizen of the state between the ages of eighteen and forty-five years, giving his name, age, address, occupation and whether or not he has any person or persons dependent upon him for support. (107 v. 591, Sec. 2.)

Sec. 5188-3. **Deputy state supervisor of elections shall have charge of taking census; where and hours when census taken.**—The governor in his order to the adjutant general shall name a day upon which such census shall be taken. The deputy state supervisors of elections or the deputy state supervisors and inspectors of elections of each county, as the case may be, shall have charge of the taking of said census in their respective counties. The clerks of elections in the various precincts of the state shall have charge of the taking of the census on the day fixed therefor by the governor. In case of vacancy



or inability to serve, the deputy state supervisors or supervisors and inspectors of elections shall fill said vacancy and shall, at least five days before the day fixed, notify the clerks in writing of the day fixed for the taking of said census and of the duties to be performed by the said clerks. Said census shall be taken at the usual voting places in each precinct between the hours of 5:30 a. m. and 5:30 p. m., central standard time, on the day fixed by the governor in his order to the adjutant general, and should it be impossible to take said census at the usual voting place in any precinct, the deputy state supervisors or supervisors and inspectors of elections shall designate a place in said precinct or precincts. (107 v. 591, Sec. 3.)

Sec. 5188-4. **Distribution of blanks.**—The blanks prepared by the adjutant general as provided in section 2 hereof shall be sent by him, not less than ten days before the day fixed for the taking of said census, to the various deputy state supervisors and inspectors of elections, as the case may be, in sufficient quantities for taking said census in each county. Said blanks so received shall be sent by said supervisors or supervisors and inspectors by registered mail to one of the clerks in each voting precinct in the county not less than five days before the day fixed by the governor for taking said census. (107 v. 592, Sec. 4.)

Sec. 5188-5. **Notice of time and place of taking census; returns of the census by clerks and deputy state supervisors; compensation of clerks.**—The sheriff of each county shall cause to be published a notice of the time and places of taking said census, in two newspapers of opposite politics and of general circulation in the county, not less than ten days before said census is to be taken. And on the day fixed for taking said census the clerks of elections shall arrange that their respective voting places are open from 5:30 a. m. to 5:30 p. m., central standard time. Said clerks shall be present during said time to take charge of the taking of said census, and immediately upon finishing said census shall send the same by registered mail to the deputy state supervisor or supervisors and inspectors of elections, as the case may be, who shall in turn, within five days after the day of taking the census, send the same by registered mail to the adjutant general at Columbus, Ohio. No person herein shall receive any additional compensation for services

rendered under and by virtue of the provisions of this act, save and excepting the clerks of elections, who shall each receive the same compensation as is received for services in regular elections, and the newspapers publishing the notice of taking said census, which shall receive the legal rate for publishing said notice. The compensation to the clerks and the cost of advertising shall be paid in the same manner as election expenses are paid. (107 v. 592, Sec. 5.)

**Sec. 5188-6. Who shall report and furnish information.**—Upon publication of said notice, it shall be the duty of every male citizen between the ages of eighteen and forty-five years to report to the deputy or deputies in his voting precinct and there furnish the information required under section 2 of this act. (107 v. 592, Sec. 6.)

**Sec. 5188-7. Penalty for failure to comply with law.**—Failure to comply with the provisions of this act shall constitute a misdemeanor and be punishable by fine of not less than \$25.00 or more than \$100.00; but any male citizen whose failure to comply was by reason of sickness or absence from his usual place of residence, shall upon due proof of same and filing of the required information with the clerk of the courts, be excused from the penalty provided above. (107 v. 592, Sec. 7.)

**Sec. 5189. How fitness of officer determined; vacation of commissions.**—At any time the moral character, capacity and general fitness for the service, of any national guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the national guard may be vacated upon resignation, upon absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a courts-martial. (107 v. 386.)

**Sec. 5190. Transfer to national guard reserve.**—In time of peace officers may, upon their own application, be transferred to the Ohio National Guard Reserve after completing three years commissioned service in an active organization of the national guard, including commissioned service in the United

States Army. Upon the disbandment or consolidation of organizations of the national guard, duly authorized, thereby rendering the commissioned officers, or any of them, surplus, all such officers qualified for active service, whether they have had three years active commissioned service or not, except those transferred or assigned to active units, will be transferred in the grade in which they are commissioned to the National Guard Reserve. Officers of the National Guard Reserve cannot become members of the active national guard in time of peace except by appointment. (110 v. 445.)

Sec. 5191. **Vacation of commission on account of age.**—The commission of officers of the national guard will be vacated when they reach the age of sixty-four years. (107 v. 386.)

Sec. 5192. **Discharge of enlisted men.**—An enlisted man discharged from service in the national guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the regular army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the president may prescribe. (107 v. 386.)

Sec. 5193. **Enlistment of contributing members; oath.**—In time of peace, each commanding officer of a company, troop, battery, or detachment of the hospital corps, may enlist contributing members not to exceed one hundred and fifty. All such enlistments shall be for the period of one year, and shall be made by signing papers in such form as shall be prescribed by the adjutant general, and as soon as practicable after his enlistment, the following oath shall be administered to such contributing member by a commissioned officer: "I, ....., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America, and to the state of Ohio, and that I will serve them honestly and faithfully, and that I will pay such contributions and dues as are prescribed by the statutes of Ohio, and will perform such service as may be prescribed from time to time by the commander-in-chief of the Ohio national guard by general orders in accordance with the statutes of the state of Ohio." (107 v. 386.)

Sec. 5194. **Dues and services.**—Each contributing member shall be subject to contributions and dues in the sum of



five dollars per annum, and shall be subject to such services as shall be prescribed from time to time by the commander-in-chief of the Ohio national guard in general orders. The commander-in-chief of the national guard shall from time to time prescribe in general orders the services to be required of contributing members provided, however, that contributing members shall never be required to perform field service at any point or any service outside of the county where enlisted, and provided further, that all such general orders shall apply equally to all contributing members of the national guard. (107 v. 387.)

Sec. 5195. **Filing certified list with clerk of court; exemption from certain services.**—A certified list of officers, enlisted men and contributing members shall be filed by the commanding officer of each company, troop, battery and detachment of the hospital corps, with the clerk of the court of common pleas of the county in which such organization is located. Such list shall set forth the officers, enlisted men and contributing members in separate rosters with the names alphabetically arranged, and shall be filed during the month of July of each year, and such officers, enlisted men and contributing members shall, for the year commencing on the first day of August following such filing, or until sooner discharged, be exempt from labor on the public highways and service as jurors. (107 v. 387.)

Sec. 5196. **Copy furnished commanding officer; further copies.**—The clerk of the common pleas court shall file such certified lists, without charge, and shall upon demand furnish a certified copy of any such certified list on file in his office to the commanding officer of the organization named in such list, and shall certify without charge, further copies of such lists in a number not to exceed the total number of officers, enlisted men and contributing members, set forth therein, provided that such further copies shall be furnished by the commanding officers. (107 v. 387.)

Sec. 5197. **National guard reserve list.**—There shall also be organized a national guard reserve which shall consist of such organizations, officers and enlisted men, as the president of the United States may prescribe. Officers and enlisted men of the Ohio national guard may be transferred to the national

guard reserve under such regulations as the president shall from time to time prescribe. (107 v. 387.)

Sec. 5198. **Discharges and demotions.**—No officer or enlisted man may be discharged from the Ohio national guard except as herein provided for; nor shall any officer be demoted for any cause except upon his written consent; nor shall the enlistment of any eligible citizen or alien who has declared his intention to become a citizen be denied, except as herein provided for. (107 v. 387.)

Sec. 5199. **Creation of additional units; drafting.**—The commander-in-chief may, upon the declaration of war, or upon the breaking out of insurrection, or upon the imminence of either, increase the Ohio national guard by the creation of such additional units as he may deem necessary; and may proceed in such manner as regulations may prescribe for the drafting into the national guard of all such portions of the militia of the state of Ohio as he may deem necessary in any such emergency. (107 v. 387.)

Sec. 5200. **Resisting an order or giving aid to public enemy.**—In any case covered by the last preceding section, any person who shall in any way hinder, delay or resist the orders of the commander-in-chief with respect thereto, or who shall give any aid or comfort to the public enemy, or either injure or destroy or attempt to injure or destroy any of the military property of the state of Ohio, or any public building, means or facility of transportation, or any public work within the state of Ohio, with intent to impede the military forces of this state, or to assist the public enemy of the state or the United States, shall, upon conviction thereof, be punished in such manner as a court-martial may direct. (107 v. 388.)

Sec. 5201. **Uniforms, arms, etc.**—The national guard of the state of Ohio shall, as far as practicable, be uniformed, armed and equipped with the same type of uniforms, arms and equipment as are or shall be provided for the regular army. (107 v. 388.)

## DISCIPLINE AND GOVERNMENT

Sec. 5202. **Call to service, when.**—The national guard may be ordered by the governor to aid the civil authorities to suppress or prevent riot or insurrection, or to repel or prevent invasion, and shall be called into service in all cases before the militia. (107 v. 388.)

Sec. 5203. **Wearing uniform, insignia, etc., without being a member; penalty.**—Any person who shall wear any uniform, or any device, strap, knot, or insignia of any design or character used as a designation of rank, grade or office, such as by law or by general regulation duly promulgated are prescribed for the use of the Ohio national guard, except a member of the army and navy of the United States, the national guard of this or any other state, members of associations wholly composed of soldiers honorably discharged from the service of the United States, or any state, members of the order of Sons of Veterans, and the faculty and students of educational institutions where military science is prescribed as part of the course of instruction, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (100.00) at the discretion of the court. (107 v. 388.)

Sec. 5204. **Government of national guard.**—The Ohio national guard shall be governed by the military laws of the state, the orders of the commander-in-chief and the code of regulations. Such government shall conform to the system of discipline and administration prescribed for the army of the United States. (107 v. 388.)

Sec. 5205. **Publication of regulations.**—The commander-in-chief shall make and publish such regulations as will increase the discipline and efficiency of the national guard, and such regulations when promulgated by him shall have the authority of law. (107 v. 389.)

Sec. 5206. **Courts-martial; kinds and jurisdiction.**—Except in organizations in the service of the United States, courts-martial in the national guard shall be of three kinds, namely, general courts-martial, special courts-martial and summary courts-martial. They shall be constituted like, and have cogni-



zance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the army of the United States, and the proceedings of the courts-martial of the national guard shall follow the forms and modes of procedure prescribed for the similar courts of the United States army. (107 v. 389.)

**Sec. 5207. General courts-martial, how convened; powers.**—General courts-martial of the national guard not in the service of the United States may be convened by order of the president, or of the governor of the state of Ohio, and such court shall have the power to impose fines not exceeding two hundred dollars (\$200.00), to sentence to forfeiture of pay and allowances; to reprimand, to dismissal or dishonorable discharge from service; to reduction of non-commissioned officers to the ranks; or any two or more of such punishments may be combined in the sentence imposed by such courts. (107 v. 389.)

**Sec. 5208. Special courts-martial; powers.**—In the national guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as general courts-martial, except that fines imposed by such courts shall not exceed one hundred dollars (\$100.00). (107 v. 389.)

**Sec. 5209. Summary court; powers.**—In the national guard, not in the service of the United States, the commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment of the national guard, may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths, and to try the enlisted men of such place or command for breaches of discipline and violations of law

governing such organizations; and said courts, when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five dollars (\$25.00) for any single offense; may sentence non-commissioned officers to reduction to the ranks; and may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal and the minutes thereof shall be the same as prescribed for summary courts of the army of the United States. (107 v. 389.)

Sec. 5209-1. **Disposition of fines collected.**—All fines imposed and collected from enlisted men of the national guard by reason of the findings of any courts-martial shall be turned into the company, troop, battery or other organization fund, of which said enlisted man is a member, to be accounted for in the same manner as other organization funds, anything in any section of the General Code to the contrary notwithstanding. (110 v. 447.)

Sec. 5210. **Power to sentence to confinement.**—All courts-martial of the national guard, not in the service of the United States, including a summary court, shall have power to sentence to confinement in lieu of fines authorized to be imposed. Provided, that such sentences of confinement shall not exceed one day for each dollar of fine authorized. (107 v. 390.)

Sec. 5210-1. Repealed. 107 v. 399. (107 v. 399, sec. 2; 106 v. 520.)

Sec. 5211. **Sentence of dismissal or discharge, when executed.**—No sentence of dismissal from the service or dishonorable discharge, imposed by a national guard courts-martial, not in the service of the United States, shall be executed until approved by the governor of the state of Ohio. (107 v. 390.)

Sec. 5211-1. Repealed. 107 v. 399. (107 v. 399, Sec. 2; 106 v. 520.)

Sec. 5212. **Powers of presidents of courts-martial.**—In the national guard, not in the service of the United States, presidents of courts-martial, courts of inquiry and military boards, and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court

for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpoenas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. (107 v. 390.)

Sec. 5213. **Execution of processes and sentences.**—All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the state of Ohio, and it shall be the duty of such officer to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same. (107 v. 390.)

Sec. 5214. **Confinement of military prisoner.**—Any civil officer having custody or control of any jail or prison shall confine therein any military prisoner upon request of competent military authority. The expense of service of such writs and of the confinement of such prisoners shall be paid from the funds appropriated for maintenance of the Ohio national guard. (107 v. 390.)

Sec. 5215. **Convening of courts, commissions and boards.**—Courts of inquiry, military commissions, and any and all military boards and courts herein provided for, may be convened from time to time as the necessities of the service may require, and shall have such powers and duties as may now exist or hereafter from time to time be prescribed by regulations. (107 v. 390.)

## DRILL AND TRAINING

Sec. 5216. **Tactics and field exercises.**—The system of tactics and field exercises for the army of the United States shall be the system of tactics and field exercises for the national guard of the state. (107 v. 390.)

Sec. 5217. **Drill and instructions.**—Each company, troop, battery and detachment in the national guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall in addition thereto participate in encampments, maneuvers, or other exercises, in-



cluding outdoor target practice, at least fifteen days in training each year, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the secretary of war; provided, that credit for an assembly for drill or for indoor target practice shall not be given unless the assembly shall equal or exceed a minimum to be prescribed by the president, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration, and the character of training such as may be prescribed by the secretary of war. (107 v. 390.)

Sec. 5218. **Inspection.**—The adjutant general, or an officer acting under his authority, shall publicly inspect each company, troop, and battery, twice in each year, once in and including its armory, and once during the encampment or at another suitable time. (107 v. 391.)

### ARSENAL AND RANGES

Sec. 5219. **Direction over state arsenal.**—The adjutant general shall have general direction over the state arsenal, state camp grounds, and other military property of the state. He shall employ such labor thereat as the governor deems the necessities and best interests of the state require. (107 v. 391.)

Sec. 5220. **Custodian of rifle range.**—The adjutant general shall be the custodian of the state rifle range and military camp ground. (107 v. 391.)

Sec. 5221. **Improvements on range and grounds.**—The adjutant general may make such changes and improvements in existing roadways and otherwise in such range and ground as the needs of the state and the exigencies of the service may require. All improvements made upon the lands of such park belonging to the state, from moneys received from any source, shall become the property of the state of Ohio. All revenues and receipts therefrom, or from any other military property in the state of Ohio, not made a portion of the company, troop, battery or other organization funds by regulations, shall be credited to the fund hereinbefore specified as "Maintenance, Ohio National Guard." (107 v. 391.)

Sec. 5222. **Rules and police regulations for range and grounds.**—The adjutant general may prescribe and enforce such rules and police regulations for such range and ground, subject to statutory provisions, as he deems necessary for the proper protection and safety thereof. (107 v. 391.)

Sec. 5223. **Sale of liquor prohibited.**—The sale of intoxicating liquors on lands belonging to the state within the limits of Camp Perry is forever prohibited. (107 v. 391.)

### **PAY OF OFFICERS AND MEN**

Sec. 5224. **Compensation for attendance and weekly drill.**—To encourage all organizations, not recognized by the war department, to obtain recognition each regularly enlisted man in such unrecognized organization shall be paid twenty-five cents for each regular week drill attended, not to exceed forty-eight weeks in one year, to be paid quarterly upon the presentation of the proper certified muster and pay roll to the adjutant general. Upon his approval, the state auditor shall issue his warrant upon the treasurer for the amount certified to as above provided in favor of the officer making the certificate as hereafter provided. (107 v. 391.)

Sec. 5225. **Lost, damaged or destroyed equipment by enlisted men.**—If an enlisted man, in the national guard of this state, wilfully, maliciously, purposely, or through carelessness or neglect, permits any of the arms, utensils, clothing, bedding, or other equipment issued to him, being public property or belonging to the state or the United States, to become lost, damaged or in any other manner unfit for its intended use, the commanding officer of his company, troop, battery or other organization, shall apply so much of his pay, heretofore provided for, as may be required for the replacing, repairing, cleaning or other requirements necessary to place such property in condition for military service. Should any organization be deficient in any of the necessary equipment pertaining thereto, the amount due hereunder shall be paid to the treasurer of such organization for the purchase of such equipment (107 v. 392.)

Sec. 5226. **Pay of commissioned officers and enlisted men.**—When called upon by the state in aid of the civil au-

thorities each commissioned officer shall receive the same pay and allowances per day, for each day's service performed, as is provided or may hereafter be provided for commissioned officers of like grade in the armies of the United States, together with the necessary transportation; and each enlisted man shall receive three dollars for each day's service performed, together with necessary transportation and subsistence. (110 v. 445.)

SEC. 5227. Repealed. (109 v. 132.) (107 v. 392.) See section 2249-1.

Sec. 5228. **Pay of officers and men at encampments.**— For duty at all encampments ordered by the commander-in-chief, except when authorized and paid by the federal government, each commissioned officer shall receive such pay and allowances per day for each day's service performed as is provided or may hereafter be provided for commissioned officers of like grade in the armies of the United States, and each enlisted man shall receive such pay and allowances for subsistence as is now provided or may hereafter be provided for enlisted men in the armies of the United States. (110 v. 445.)

Sec. 5229. **Regulations, bonds, reports, etc.**— The adjutant general shall make such regulations, require such bonds and reports, and furnish such blanks as may be necessary to carry out the provisions of the preceding three sections. (107 v. 393.)

Sec. 5230. **Method of payment.**— Payment under the preceding two sections shall be made on such forms as directed by and upon the voucher of the adjutant general, out of moneys in the treasury, appropriated for that purpose. The necessary commissary and quartermaster stores, and medical supplies, and transportation for the troops in service, and while attending the annual encampment, and the transportation and subsistence of organizations of the national guard representing the state officially on occasions of ceremony within or without the state, shall be contracted for by the proper departmental officers, and paid for in like manner. (107 v. 393.)

Sec. 5231. **Pay of officers and men when on other duty.**— For service and attendance upon general courts-martial, courts of inquiry, and boards appointed by the commander-in-chief, as member, judge advocate, recorder or witness, or upon



inspection or other duty when ordered by the commander-in-chief; commissioned officers when not engaged upon duty for which pay is provided, shall receive per day the same pay and allowances as is provided or may hereafter be provided for commissioned officers of like grade in the regular army of the United States; or enlisted men when not engaged upon duty for which pay is provided, shall receive per day the sum of three dollars and subsistence; together with transportation in kind, and for the time actually employed in going to and returning from duty, courts or boards. (110 v. 446.)

Sec. 5232. **Pay of civilian witnesses, etc.**—General courts-martial, courts of inquiry and boards, convened by the order of the commander-in-chief, may require the attendance of civilian witnesses by the issuance and service of subpoenas in the same manner as is provided in the common pleas court. The same fees and allowances shall be paid such witnesses as are provided for witnesses in the common pleas court and shall be paid by the adjutant general out of the maintenance fund upon vouchers therefor certified to by the president of the court or board. (110 v. 446.)

## MILITARY PROPERTY

Sec. 5233. **Purchasing and issuing military stores.**—The adjutant general shall direct the assistant quartermaster general in the charge of all ordnance, quartermaster and other military stores purchased by the state. He shall direct the issue of such stores to the organizations of the national guard, and the return of such stores from the organizations, and provide for the collection and recovery of arms and equipments in the possession of any person not authorized to retain them. (107 v. 393.)

Sec. 5234. **Keep and care of stores.**—The adjutant general, after the appropriations are made for that purpose, may purchase and keep ready for use, or issue to the national guard, as the best interests of the service require, such amount and kind of camp and garrison equipage as are necessary. He shall see that all military stores both the property of the state and of the United States are properly cared for and kept in good order ready for use. (107 v. 393.)

Sec. 5235. **Unserviceable military stores.**—When military stores belonging to the state become unserviceable, the adjutant general may convene a board of survey consisting of not less than three commissioned officers of the national guard, who shall inspect such property, and if it is found unserviceable, condemn it. (107 v. 394.)

Sec. 5236. **Sale or exchange of condemned stores.**—The adjutant general may sell condemned military stores belonging to the state, the sums realized from the sales thereof to be turned into the state treasury, to be credited to any fund appropriated for the use of the national guard, as determined at the time by the adjutant general. He may exchange such condemned stores for such other military stores as the interests of the service require, for the use of the national guard. (107 v. 394.)

### ARMORIES

Sec. 5237. **Assignment of armories, grounds and buildings.**—The adjutant general shall assign to each organization the armories, grounds and other buildings provided for in this chapter. Each division, brigade, regimental and separate battalion headquarters and each company, troop and battery and each other organization that may be created in conformity to the organization of the United States army shall be deemed an organization for such purpose. (110 v. 446.)

Sec. 5238. **Director of state armories; duties.**—The adjutant general shall be the director of state armories. He shall provide grounds, armories and other buildings for the purpose of drill and for the safe keeping of arms, clothing, equipment and other military property issued to the several organizations of the national guard, and may purchase or build suitable buildings for such purposes when, in his judgment, it is for the best interest of the state so to do. He shall provide for the management, care and maintenance of such grounds, armories and buildings and may adopt and prescribe such rules and regulations for the management, government and guidance of the organizations occupying them as may be necessary and desirable. (107 v. 394.)

Sec. 5239. **Gifts and donations become state property.**—He may receive gifts and donations of land, money or other

property for the purpose of aiding in the acquisition of grounds or the purchase, building, furnishing or maintaining of an armory or other building for military purposes. All lands so acquired shall be deeded to the state of Ohio, and all property received under the provisions of this section from any source, shall become the property of the state. (107 v. 394.)

**Sec. 5239-1. Temporary assignment when regimental organization falls below maximum.**— If by any reason a regimental organization falls below the maximum number of companies prescribed by regulations, one or more of the separate companies may temporarily be assigned to the incomplete organization, by order of the adjutant general, pending the organization and assignment of permanent company or companies to fill the vacancy or vacancies. The commanding officer of the regiment will make such designations and assignments of the company or companies as may be necessary. (106 v. 342.)

**Sec. 5240. Construction of armories.**— He shall be governed in the construction of armories and other buildings for military purposes by the provisions of Chapter 1, Title IX, of Part First of the General Code. (107 v. 394.)

**Sec. 5241. Appropriation of property.**— He shall have like power as the superintendent of public works to condemn and appropriate land and such land is hereby declared to be a public necessity. (107 v. 395.)

**Sec. 5242. Maximum amount for armory; additional for equipment, amount for maintenance.**— The maximum amount to be expended by the state for the building or purchase of an armory for a single organization shall not exceed forty thousand dollars and fifteen thousand dollars additional for each organization or headquarters provided for. The adjutant general may allow a sum not to exceed two thousand dollars for the furnishing and equipping of each armory so built or purchased, and in no city shall more than one building be erected or purchased until provisions have been made for all organizations therein. A sum of not to exceed twelve hundred dollars per annum in villages, and two thousand dollars per annum in cities, shall be allowed to each organization to cover armory rent, heat, light, water and janitor service, amount to be determined by the adjutant general and all



sums expended for said purposes to be approved and paid by the adjutant general upon vouchers properly certified. (108 v. Pt. 2, 1284; (108 v. Pt. 1, 546; 107 v. 395.)

Sec. 5243. **Use and occupation of armories.**—The armories erected by the state of Ohio, shall be for the use and benefit of the permanent organized militia quartered therein; but in each of such armories there shall be provided and maintained, except as hereinafter provided, a suitable room or rooms, including heating, lighting and janitor services, for the free use and occupancy of the organizations known as the Grand Army of the Republic, Women's Relief Corps, Sons of Veterans, Sons of Veterans' Auxiliary, Daughters of Veterans, United Spanish War Veterans, Auxiliary United Spanish War Veterans, Veterans of Foreign Wars of the United States, Veteran organizations of the World War, Union Veteran Legion, Army and Navy Union of the United States of America and honorably retired officers of the Ohio National Guard, unless such room or rooms are already provided by the erection of a county memorial building or otherwise by the state, or by the county, township or municipality. Provided that this section shall not be construed to require a separate room to be maintained for each organization; and provided further that this section shall apply and be in force only when and during the time that such armory is being used by an active military organization or unit of the national guard. (110 v. 446.)

Sec. 5244. **Sale of intoxicating liquor prohibited.**—The sale of intoxicating liquor in such armory or other building is absolutely prohibited and any officer or man guilty of violating such prohibition shall be punished as a court-martial may direct. (107 v. 395.)

Sec. 5245. **Board of control; appointment.**—For each armory erected or provided he shall appoint a board of control to consist of one or more officers of organizations quartered therein. Such board or officer in control may rent the armory for temporary purposes, subject to regulations to be prescribed by the adjutant general, and the money derived from such rental shall be paid into the treasury of the organization quartered therein. (107 v. 395.)

Sec. 5246. **Sale or lease of armories.**—In case any armory erected or purchased by the state of Ohio under provision of law becomes vacant by reason of the disbandment of the organization or organizations quartered therein, the governor and the adjutant general may lease such armory, for periods not to exceed one year; or, when duly authorized by an act of the general assembly, may sell said armory or lease the same for a period of years, the proceeds therefrom in either case to be turned into the state treasury. (110 v. 447.)

Sec. 5247. **"State military fund" how created.**—The auditor of state shall credit to the "state military fund" from the general revenues of the state, a sum equal to ten cents for each person who was a resident of the state as shown by each last preceding federal census. Such fund shall be a continuous fund and available only for the support of the national guard and naval militia. It shall not be diverted to any other fund or used for any other purpose. (107 v. 395.)

Sec. 5248. **"State armory fund" and "maintenance Ohio national guard fund."**—The general assembly shall appropriate annually, and divide into two funds, the amount authorized by the preceding section. Such funds shall be respectively known as the "state armory fund" and "maintenance Ohio national guard fund." (107 v. 396.)

Sec. 5249. **For what purposes funds expended.**—From the "maintenance Ohio national guard fund" the adjutant general shall pay all expenses incident to the maintenance of the various units of the national guard and Ohio naval militia, except such as are provided for from the "state armory fund." From the "state armory fund" the adjutant general shall provide grounds, armories and other buildings for military purposes by leasing, purchasing or constructing the same. (107 v. 396.)

Sec. 5250. **How bills shall be paid.**—All bills authorized by contracts made and approved by the board, shall be paid upon vouchers of the adjutant general. (107 v. 396.)

Sec. 5251. **Duty of attorney general.**—In all cases where it is necessary to condemn and appropriate lands, examine contracts, sue on bonds, or have other legal work done, the attor-

ney general shall represent the adjutant general in such work and litigation. (107 v. 396.)

Sec. 5252. **Annual report of board.**—The board shall make an annual report of the proceedings incident to the location and management of such grounds, armories and other buildings for military purposes and a detailed account of all disbursements which shall be filed in the office of the auditor of state, and a copy thereof furnished to the adjutant general. (107 v. 396.)

## NAVAL MILITIA

Sec. 5253. **Ohio naval militia.**—There shall be allowed as a part of the organized militia of Ohio, and in addition to the Ohio national guard, not more than two battalions or ship companies of Ohio naval militia as hereinafter provided. (107 v. 396.)

Sec. 5254. **Divisions of naval militia.**—The Ohio naval militia shall be divided into battalions or ship-companies and each battalion or ship-company shall consist of not less than two or more than twenty-four divisions and marine companies. (107 v. 396.)

Sec. 5255. **Officers.**—Each battalion or ship company and each division and marine company shall be allowed such commissioned officers, warrant officers and petty officers as may be prescribed by the navy department for similar naval militia organizations, or as the exigencies of the service may require. (107 v. 396.)

Sec. 5256. **Selection and rank.**—Commissioned officers of the Ohio naval militia shall be chosen, commissioned and shall take rank as provided for the Ohio national guard, following the regulations and customs of the United States navy. (107 v. 396.)

Sec. 5257. **Petty officers, how appointed.**—Warrant officers and petty officers shall be warranted and appointed according to regulations prescribed by the navy department for the governing of the naval militia. (107 v. 396.)

Sec. 5258. **Uniform, how prescribed.**—The uniform of the officers and enlisted men of the Ohio naval militia shall



be that prescribed by the navy department for the naval militia. (107 v. 397.)

Sec. 5259. **Drill and instruction.**—The Ohio naval militia shall assemble for drill and instruction at such time and places and during such periods of time as the commanding officer shall prescribe. (107 v. 397.)

Sec. 5260. **Annual tour.**—Each battalion or ship-company shall annually make such a tour of duty afloat or ashore as the commanding officer shall order. (107 v. 397.)

Sec. 5261. **How organized, drilled, etc.**—The Ohio naval militia shall be organized, governed, drilled, and instructed in accordance with the articles, regulations and customs as now provided or which may be adopted for the naval militia of the United States, together with the orders of the governor. (107 v. 397.)

Sec. 5262. **Compensation of officers and men.**—The officers and enlisted men of the Ohio naval militia shall receive from the state the same pay and allowances, benefits and privileges, in every respect, as are now or may hereafter be allowed the officers and enlisted men of corresponding rank and grade of the Ohio national guard, provided, however, that such pay or supplies as provided by the navy department shall be deducted therefrom. (107 v. 397.)

Sec. 5263. **Allowance for maintenance, cruising and care of ship and boats.**—For the purpose of maintenance, cruising and care of a ship and boats for each battalion of the Ohio naval militia there shall be allowed and the adjutant general shall pay to the paymaster of each battalion six thousand dollars per annum from the fund provided by section 5253 of the General Code, and appropriated under the caption "Maintenance Ohio National Guard"; and each battalion and division of the Ohio naval militia shall constitute one organization for armory allowances by said state armory board as provided in section 5253 of the General Code. (107 v. 397.)

Sec. 5264. **Allowance for expenses.**—Each battalion or ship-company shall be entitled to and receive the same allowances for incidental expenses, as are now or may be allowed

the headquarters of a separate battalion of the Ohio national guard, and each division or marine company the same allowances in every respect as a company of infantry, as provided by law. (107 v. 397.)

## MISCELLANEOUS PROVISIONS

Sec. 5265. **Discrimination against officers or men prohibited; penalty.**—No person shall discriminate against any officer or enlisted man of the Ohio national guard because of his membership therein. No person shall prohibit or refuse entrance to any officer or enlisted man of the army or navy of the United States, or of the national guard of this state, into any public entertainment or place of amusement because such officer or enlisted man is wearing the uniform of the organization to which he belongs. No employer, or agent of any corporation, company, or firm shall discharge any person from employment because of being an officer or enlisted man of the Ohio national guard, or prevent him from performing any military service he may be called upon to perform by proper authority. Any person violating any of the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction may be fined not exceeding two hundred dollars (\$200.00) or imprisoned not exceeding six months, or both, at the discretion of the court. (107 v. 397.)

Sec. 5266. **Keeping place for sale of intoxicants within one mile.**—A person temporarily erecting a stand, booth, or other structure, for the purpose of exposing for sale, giving, bartering or otherwise disposing of spirituous or other intoxicating liquors at or within a distance of one mile from a parade ground or encampment of the national guard, may be forthwith placed under guard, and kept at the discretion of the commanding officer. The commanding officer may turn over such person to any police officer or constable of the city, village or township wherein such parade, drill or encampment is held, for examination, or trial before any court of justice having jurisdiction thereof. (107 v. 398.)

Sec. 5267. **Annual allowance for care of state property and expenses to divisions.**—Upon the approval of the adjutant general, there shall be allowed annually for the care of

state property and other incidental expenses, to the headquarters of division and of each brigade the sum of three hundred dollars (\$300.00); to the headquarters of each regiment, unattached battalion, squadron or sanitary train a sum equal to sixty dollars (\$60.00) for each company, battery or troop, including the headquarters company, machine gun company and supply company or troop, comprising the command; to each company of infantry, including headquarters company, machine gun company and supply company, and to each ambulance company a sum not to exceed two hundred and fifty dollars (\$250.00), and to each field hospital and to each engineer company a sum not to exceed three hundred dollars (\$300.00); and to each troop of cavalry and to each signal company not to exceed the sum of four hundred and fifty dollars (\$450.00); and to each battery of artillery not to exceed the sum of six hundred dollars (\$600.00); and to each sanitary detachment attached to regimental and separate battalion and squadron headquarters a sum not to exceed one hundred and fifty dollars (\$150.00). These sums shall be paid to the commanding officer of each organization or detachment, who shall account for the funds in such manner as may be directed by the commander-in-chief. No part of such money shall be paid to any organization or detachment until all returns and reports required by law and orders have been filed with the adjutant general. Provided, the adjutant general may withhold all or any portion of said sum from any organization which shall have been found to be deficient. (107 v. 398.)

Sec. 5268. **Reports.**—The adjutant general shall provide by order from time to time the reports to be made out by officers of the Ohio national guard, which requirements shall be as nearly practicable, upon similar blanks and in similar form, to the reports required under the regulation of the government for the armies of the United States. (107 v. 398.)

Sec. 5269. **Form and amount of bonds.**—The adjutant general shall provide the form and fix the amount of the bonds required of officers of the Ohio national guard, and shall pass upon the sufficiency of the sureties. If surety bond be given the premium therefor shall be paid out of the maintenance—Ohio national guard fund. The adjutant general may require a



new bond to be given if in his opinion the surety upon any existing bond has become insufficient. (110 v. 447.)

**Sec. 5270. Commander-in-chief may issue call for troops in case of riot, etc.**—When there is a tumult, riot, mob or body of men acting together with intent to commit a felony, or to do or offer violence to person or property, or by force and violence break or resist the laws of the state, or there is a reasonable apprehension thereof, the commander-in-chief may issue a call to the commanding officer of any regiment, battalion, company, troop or battery to order his command or part thereof, describing it, to be and appear, at a time and place therein specified, to act in aid of the civil authorities. (107 v. 399.)

**Sec. 5271. Punishment for refusal to obey.**—The officer to whom the call is directed shall forthwith order the troops therein mentioned to report at the time and place appointed. If such officer refuses or neglects to obey any order issued in pursuance of such call, he shall be punished as a courts-martial may direct. (107 v. 399.)

**Sec. 5272. What deemed sufficient notice of order.**—When the commanding officer of a company, troop, or battery orders out his command for such duty he may order enlisted men to notify the men enrolled in such organization to appear at the time and place appointed. Any information however gained by an officer or man, that such order has been issued, shall be deemed sufficient to require him to render immediate obedience thereto. (107 v. 399.)

**Sec. 5273. Refusal or neglect to serve notice.**—An enlisted man who refuses to or neglects to serve such notice when duly ordered so to do, and each officer or enlisted man, who, having knowledge of such order as provided in the preceding section, refuses or neglects to obey it promptly, shall be punished as a court-martial shall direct. (107 v. 399.)

**Sec. 5274 to Sec. 5319. Repealed.** 107 v. 399.

## THE FLAG

**Sec. 28. Official flag of Ohio; one shall be furnished each company of O. N. G.**—The flag of the state of Ohio shall be pennant shaped. It shall have three red and two white hori-

zontal stripes; the union of the flag shall be seventeen five-pointed stars, white in a blue triangular field, the base of which shall be the staff end or vertical edge of the flag, and the apex of which shall be the center of the middle red stripe. The stars shall be grouped around a red disc superimposed upon a white circular "O". The proportional dimensions of the flag and of its various parts shall be according to the official design thereof on file in the office of the secretary of state. One state flag of uniform dimensions shall be furnished to each company of the Ohio National Guard. (106 v. 341; 95 v. 445.)

Sec. 12395. **Display of foreign flag on public buildings; penalty. Flag on armories.**—Whoever displays the flag or emblem of a foreign country upon a state, county, or municipal building shall be fined not more than fifty dollars or be imprisoned thirty days, or both; provided, that when a foreigner is the guest of the United States, the state or city, and upon public proclamation by the governor, or mayor of such city, the flag of the country of which such public guest is a citizen may be displayed upon public buildings.

On all armories built or purchased by the state a suitable flag pole shall be erected, and the United States flag of size not less than five feet by eight feet shall fly daily. Such flags shall be subject to requisition from the quartermaster's department of the state, without cost to the companies, and at least two to be used yearly. (106 v. 342; 92 v. 89; secs. 1, 2.)

Sec. 12396. **Desecrating flag of the State or United States.**—Whoever prints, paints or places a word, figure, mark, picture or design, upon a flag, standard, color or ensign of the United States, or the state of Ohio, or causes it to be done, or exposes, or causes to be exposed, such flag, standard, color or ensign upon which is printed, painted or placed, or to which is attached or appended a word, figure, mark, picture or design, or manufactures or has in possession an article of merchandise upon which is placed or attached a representation of such flag, standard, color or ensign, or publicly mutilates, defiles, defaces or casts contempt upon such flag, standard, color or ensign, shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both. (95 v. 305; sec. 1.)

Sec. 12397. **Meaning of certain words.**—The words “flag,” “standard,” “color,” or “ensign” as used in the next preceding section, shall include any flag, standard, color or ensign or a picture or representation thereof, made of or represented on any substance, and purporting to be a flag, standard, color or ensign of the United States, or the state of Ohio, or a picture or representation thereof, upon which shall be shown the colors, the stars, and the stripes in any number thereof, or which might appear to represent a flag, standard, color or ensign of the United States or state of Ohio. (95 v. 305, sec. 2.)

Sec. 12398. **When this shall not apply.**—The next two preceding sections shall not apply to an act permitted by the statutes of the United States or by the United States army and navy regulations, nor shall they apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, society, lodge or emblem, ornamental picture, or stationery for use in correspondence, on which shall be printed, painted or placed said flag disconnected from an advertisement. (95 v. 305, Sec. 3.)

Sec. 12398-1. **Carrying and displaying certain flags prohibited.**—That no red or black flag, nor any banner, ensign or sign having upon it any inscription opposed to organized government or which is sacrilegious or which may be derogatory to public morals, shall be carried in parade within this state or displayed upon any street or building therein; and it shall be unlawful to display the flag of any anarchistic society upon any public or private building or to carry or display such flag in any street procession or parade within this state. Nothing in this act shall apply to the pennants of any university, college or other recognized institution of learning. (108 v. Pt. 1, 57, Sec. 1.)

Sec. 12398-2. **Penalty.**—Whoever violates any provision of this act may be arrested without a warrant and shall be punished for each offense by a fine of not more than one hundred dollars. (108 v. Pt. 1, 57, sec. 2.)

## CRIMES AND OFFENSES

Sec. 5188-7. Penalty for failure to comply with law **providing for military census**. See page 13 above.

Sec. 5203. Penalty for **wearing uniform, insignia**, etc., without authority. See page 17 above.

Sec. 5223. **Sale of liquor at Camp Perry prohibited**. See page 22 above.

Sec. 5244. **Sale of liquor in armories prohibited**. See page 27 above.

Sec. 5265. **Discrimination** against officers and men prohibited. No right to discharge employee when. See page 31, above.

Sec. 5266. **Keeping place for sale of liquor** within one mile of camp prohibited. See page 31 above.

Sec. 12392. **Treason**.—Whoever levies war against this state, or the United States, or knowingly adheres to the enemies of either, giving them aid and comfort, is guilty of treason against the state of Ohio and shall be imprisoned in the penitentiary during life. (R. S. Sec. 6806.)

Sec. 12393. **Misprison of treason**.—Whoever, having knowledge that any person has committed or is about to commit treason, wilfully omits or refuses to give information thereof to the governor, a judge of this state, or the president of the United States, is guilty of treason, and shall be imprisoned in the penitentiary not less than ten years nor more than twenty years. (R. S., Sec. 6807.)

Sec. 12394. **Unauthorized military expeditions**.—Whoever begins, sets on foot, or provides or prepares the means for, an unauthorized military expedition or enterprise to be carried on from this state against the territory or people of any state of the United States, shall be imprisoned in the penitentiary not less than one year nor more than ten years. (R. S., Sec. 6886.)

Sec. 12395. Penalty for **display of foreign flag**, etc. See page 34 above.



Sec. 12396 to 12398. **Penalty for desecrating the flag, etc.**  
See page 34 above.

Sec. 12398-1 and 2. **Carrying of certain flags, red and black flag, etc., prohibited.** See page 35 above.

Sec. 12446. **Breaking and entering military storehouse of state or United States.**—Whoever, by day or night, breaks and enters a building where military property of the state or of the United States is kept shall be imprisoned in the penitentiary not less than one year nor more than fifteen years. (R. S. Sec. 3107.)

Sec. 12882. **Disposing of military property of the state.**—Whoever sells, disposes of, hides, secretes, detains or refuses to give up arms, accoutrements, ordnance, stores, camp or garrison equipage or munitions of war belonging to this state, or money or other property belonging to a company, battalion, squadron, troop, regiment or battery organized according to law, shall be fined not more than five hundred dollars or imprisoned not more than three months, or both. (R. S. Sec. 6848.)

Sec. 12893. **Failure to prefer soldiers for appointments.**—Whoever, being in a public department of the state or a municipal corporation, or upon public works of the state, fails to prefer for appointment and employment honorably discharged soldiers, sailors and marines of the United States, shall be fined not less than fifty dollars nor more than one hundred dollars. (92 v. 50, Sec. 2; R. S. Sec. 3107-48.)

Sec. 12894. **Conditions of preceding section.**—Age, loss of limb, or other physical impairment which does not, in fact, incapacitate a person, shall not be deemed to disqualify him from employment under the next preceding section. Applicants for employment in conformity to such action, must have been residents for one year or more, of the county in which the office or position to be filled is located, and must possess all other requisite qualifications for such office or position. R. S. Sec. 3107-48.)

Sec. 13163. **Wearing badge or button of certain orders, societies or organizations, unlawful; penalty.**—Whoever, not being entitled so to do under the rules and regulations

thereof, wilfully wears the badge or button of the Grand Army of the Republic, Union Veterans' Union, Sons of Veterans, Union Veterans' Legion, Military Order of the Loyal Legion, Women's Relief Corps, Ladies' Circle of the Grand Army of the Republic, the Benevolent and Protective Order of Elks of the United States of America, a labor organization, the American Legion, Women's Auxiliary of the American Legion, or an order, society or organization of ten years' standing in this state, or uses or wears it to obtain aid or assistance thereby; shall be fined not more than twenty dollars or imprisoned not more than thirty days, or both. (109 v. 228; 99 v. 114, Sec. 1.)

Secs. 13208, 13209. **Selling liquor near certain meetings**, (obsolete).

## MISCELLANEOUS STATUTES

*(Subjects only)*

The following is a **list of miscellaneous statutes**, pertaining to soldiers, sailors, marines and war veterans, except temporary and local acts. The subjects of same, with the correct sectional numbers as amended, are here inserted for reference and information of all concerned.

Sec. 486-10. **Civil Service**.—All soldiers, etc., eligible to classified service without examination, under certain conditions. (107 v. Pt. 2, 1198, etc.)

Sec. 2503. **Memorial Day Expenses**.—Authorizing the county commissioners, township trustees, etc., to make annual appropriations (\$25 to \$50) to each post or camp of the G. A. R., U. S. W. V., and American Legion, for Memorial Day. (108 v. Pt. 1, 623, etc.)

Sec. 2770. **Discharge of soldier** shall be recorded by County Recorder upon request. (R. S. 1161.)

Sec. 2930 to 2942. **County Soldiers' Relief Commission**.—Organization, methods of relief, tax levy, etc.

Sec. 2943 to 2951. **Soldiers' Burial Plot**.—Authorizing land in cemetery to be set aside for burial of soldiers, care of graves, removal of remains, providing for burial of wife, widow, etc.

Sec. 2950 to 2957. **Soldiers' Burial.**— Providing for appointment of committee by county commissioners, selection of undertaker, expenses and record.

Sec. 2958 to 2961. **Markers and monuments** for soldiers' graves, care of graves by county commissioners, etc.

Sec. 3059 to 3068-1. **Memorial Buildings and Armories.**— County commissioners by vote of the people may erect a memorial building (or contribute to a state armory), through a board of trustees, levy taxes for same, etc.

Sec. 3069. County commissioners may **permit the use of any part of any** county building by veteran societies, etc. (95 v. 44.)

Sec. 3069-1 to 3069-3. Commissioners and trustees shall **appoint only soldiers**, sailors and marines, if possible, as caretakers and employes of memorial buildings. (108 v. Pt. 2, 1221.)

Sec. 3410-1 to 3410-13. **Memorials.**— **Township trustees** authorized to erect memorial building, monument, etc., by vote of the people. Powers, bond issue, tax levy, tablets, use of same, etc.

Sec. 4867. Where **inmates** of soldiers' homes may **vote**. (R. S. 2947.)

Sec. 6351. **Peddlers' License.**— Soldier exempt from full fee. (109 v. 39; R. S. 4398a.)

Sec. 7930-1. **Tuition fees.**— World War veterans exempt from payment of tuition and matriculation fees in state supported colleges. (109 v. 356.)

Sec. 8625-1. Soldiers or sailors may form **corporation** not for profit. (109 v. 139.)

Sec. 10107. Cemetery company may act as a **soldiers' monumental association**. (R. S. 3579.)

Sec. 14822 to 14852. Acts relating to soldiers **monuments**; trustees, powers, duties, etc. (Vols. 63 to 94.)

Sec. 14853. **Aid to memorials** may be extended by county commissioners. (99 v. 464.)

Sec. 14862 to 14866. Officers in U. S. service authorized to **administer oaths**, take depositions, etc. (60 v. 26.)

Sec. 14867-1. An act to furnish **service ribbons** to the officers and men of the Ohio National Guard. (103 v. 760.)

Sec. 14867-2 to 14867-8. **Badges of honor** to be granted to veterans of the last three wars. (108 v. Pt. 1, 285.)

Sec. 14867-9 to 14867-15. **Special recognition** to be accorded to soldiers receiving decorations for gallantry and heroism and state roll of honor to be established. (108 v. 348.)

Sec. 14867-16 to 14867-22. Granting **badges of honor** to World War veterans. (109 v. 312.)

Sec. 14869 to 14871. Providing a permanent **camping ground** for the Ohio National Guard. (88 v. 561.)

Sec. 14875-3 to 14875-4. **Granting aid to United Spanish War Veterans** to maintain permanent headquarters at Columbus. (108 v. Pt. 1, 609.)

Sec. 15290. Certain incorporated associations may purchase or condemn **battlefield or memorial sites**. (95 v. 97.)

An act providing for the granting of **badges of honor** to Ohio soldiers who served on the Mexican border. (107 v. 552.) (No number.)



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